

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 4:09cr15TLS-JCS

DAVE CRADIC

AGREED PRELIMINARY ORDER OF FORFEITURE

PURSUANT to a separate Plea Agreement between the defendant, DAVE CRADIC, by and with the consent of his attorney, and the UNITED STATES OF AMERICA (hereafter “the Government”), the Court finds as follows:

1. The defendant is fully aware of the consequences of his having agreed to forfeit to the Government his interests in the property described below, having been apprised of such by his attorney and by this Court; and he has freely and voluntarily, with knowledge of such consequences, entered into said Plea Agreement with the Government to forfeit such property.

2. The defendant agrees that the property described below constitutes property that the defendant used to commit, or to facilitate the commission of, the offense charged in the indictment. Further, the crime charged in Count 1 of the Indictment is Possession of Material Involving the Sexual Exploitation of Minors, in violation of Title 18, United States Code, Section 2252(a)(4)(B), a crime punishable by more than one year's imprisonment. Such property is, therefore, subject to forfeiture pursuant to Section 2253, Title 18, United States Code.

3. BASED UPON the defendant's plea of guilty, and finding that there is a substantial nexus between the property listed below and the offense to which the defendant has pled guilty and that the defendant has or had a legal interest in the property,

IT IS, THEREFORE, ORDERED AND ADJUDGED AS FOLLOWS:

1. All of the right, title, and interest of the defendant, DAVE CRADIC, in and to the following property is hereby forfeited to the UNITED STATES OF AMERICA pursuant to Section 2253, Title 18, United States Code :

PERSONAL PROPERTY

(1) HP Pavilion computer, serial number MXK44022J3.

2. The above-listed property includes visual depictions of minors engaged in sexually explicit conduct as described in 18 U.S.C. § 2256 and constitutes property that was used or intended to be used to commit or to promote the commission of a violation of 18 U.S.C. § 2252(a)(4)(B).

3. Pursuant to Rule 32.2(b), the Attorney General (or a designee) shall be authorized to seize the above-listed property. The aforementioned property shall be seized and held by the United States, in its secure custody and control.

4. The United States may, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture.

5. Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

6. The defendant has been apprised that Rule 32.2 of the Federal Rules of Criminal Procedure, and Title 21, United States Code, Section 853 require the Court to order the forfeiture of the above-described personal property, at and as a part of the sentencing proceeding. He

does hereby waive such requirement and the requirement that the forfeiture be made a part of the sentence as ordered by the Court in the document entitled, "Judgment in a Criminal Case." The defendant and his attorney further authorize the Court to enter this order immediately, and agree that the forfeiture ordered hereunder will be a part of the sentence of the Court whether ordered at that proceeding or not and whether or not attached as a part of the said Judgment in the Criminal Case.

7. This Agreed Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. By signing this document the defendant DAVE CRADIC acknowledges that the findings made herein are correct and that he is in agreement therewith and with the adjudications made hereby.

SO ORDERED AND ADJUDGED this 4th day of March, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/Glenda R. Haynes

GLEND A R. HAYNES

Assistant United States Attorney

/s/Dave Cradic

DAVE CRADIC

Defendant

/s/Omodare Jupiter

OMODARE JUPITER

Attorney for Defendant